

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE SMITH,

Plaintiff,

Case No. 1:13-cv-694

v.

Honorable Paul L. Maloney

DANIEL H. HEYNS et al.,

Defendants.

ORDER FOR PARTIAL DISMISSAL
and PARTIAL SERVICE

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's action against Defendants Craig, Boykin, Cobb, Ortiz, Worthy, Samuels, Van Marke, Blount, Lipscomb, Ryan, Tina Bommaritto, Andrea Bommaritto, Graham, Green, Skinner, Evans, Wayne County Jail, Detroit Police Department, Northern District/9th Precinct, Lincoln Park Police Department, Palmer, Stewart, Russell, RMI Health Care Services, LRF Health Care Services, Kinder, Lambert, and Deerden, Dickerson, Irby, Berghuis, Vialpando, Verbencouer and Heyns be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that the Clerk shall forward the amended complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendant Alford in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C.

§ 1915(d).

IT IS FURTHER ORDERED that Defendant Alford shall file an appearance of counsel (individual defendants may appear pro se if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no defendant is required to file an answer or motion in response to the amended complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After Defendant Alford has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

IT IS FURTHER ORDERED that Plaintiff's "Motion to Proceed to Pretrial Proceedings, Preliminary Hearings, Discovery, Jury Selection and Trial on Claims Filed by Plaintiff for Civil Rights Violations Contained Within Criminal Trial and Civil Rights Complaint Filed Within the Federal Court on Defendant Listed Within the Complaint" (docket #13) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's "Motion Asking this Court to Enter an Order to Allow Plaintiff the Opportunity to Have this Court Proceed on Claim That Come Within the Jurisdiction of the Western District and to Have the Claims That Come under Eastern Jurisdiction to Be Settled in the Eastern District by Having the Case Transferred to the Eastern District Proper to this Court Entering a Final Decision Saying the Case Is Dismissed for Lack of Jurisdiction Based upon the Claims Being Filed Properly" (docket #14-2) is DENIED.

Dated: October 16, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge